
**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN A. CONTRERAS,)	
)	
Plaintiff,)	No: 18 CV 5217
)	
vs.)	
)	
GARY RAILWAY COMPANY,)	
)	JURY DEMAND
)	
Defendant.)	

**COMPLAINT
AS AND FOR A FIRST COUNT OF ACTION
(Title VII-RACE DISCRIMINATION)**

Nature of the Action

1. This is an action under Title VII of the Civil Rights Act of 1964 and as amended by inter alia, the Civil Rights Act of 1991 (“ACT”), for the Defendant, **GARY RAILWAY COMPANY** (“GRC” or Defendant) having subjected Plaintiff, **JOHN A. CONTRERAS**, hereinafter (“CONTRERAS”) to race discrimination (disparate treatment) despite CONTRERAS his complaints about same.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked 28 U.S.C. Section 1331, 1337, 1343 and 1345, 1391 (e). This action is authorized and instituted pursuant to Title VII of the Civil Rights 1964 (“ACT”), 42 U.S.C.A. §§ 2000 (e) et seq.

3. The employment practice hereinafter alleged to be unlawful where and is now being committed in the Northern District of Illinois Eastern Division.

4. CONTRERAS is a male Caucasian and had been employed by GRC from July 5, 2007 until his wrongful termination on August 30, 2017.

5. GRC is a Indiana Corporation doing business in Illinois with over 500 employees.

6. On July 5, 2007, CONTRERAS was hired as a Conductor-RCO Operator.

7. Plaintiff was at all times a good, loyal, hardworking and competent employee of Defendant, and, until his termination, performing to the satisfaction of his employer.

8. CONTRERAS was thereafter wrongfully terminated by Defendant, for reasons set forth below on August 30, 2017.

9. GRC is an employer within the meaning of the ACT and has been at all times material to the allegations herein.

FACTUAL BASIS

10. This action brought against GRC having subjected Plaintiff, CONTRERAS to race discrimination by failure to treat him the same as non-Caucasian employees despite CONTRERAS's complaints about same. Notwithstanding the foregoing, defendant discriminated against plaintiff in the terms and conditions of his employment on account of his race as further alleged herein.

11. In 2017, Plaintiff complained to Defendant, about the ongoing acts of discrimination against him by unfairly higher performance than non-Caucasian employees and his conditions of employment.

12. On August 30, 2017, defendant terminated plaintiff's employment on account of his performance which was strictly based upon his race and further, in retaliation for complaining about the terms and conditions of his employment.

13. Defendant by its action or actions of its agents set forth above, caused and created a hostile work environment which unreasonably interfered with the terms and conditions of Plaintiff's employment and his performance in his occupation, by failing to treat him the same as non-Caucasian employees. Further, by said acts, Defendant's agents created a discriminatory and offensive work environment. All in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000-c et seq; as amended by inter alia the Civil Rights Act of 1991.

14. As a direct result of defendant's actions, plaintiff has suffered damages in excess of \$100,000 of race discrimination and disparate treatment by Defendant, Plaintiff has also suffered great pain, humiliation and mental anguish, all to his damage.

15. Further, said action on the part of the Defendant was done with malice and reckless disregard for Plaintiffs' protected rights.

16. Plaintiff exhausted all administrative and other remedies available to him before filing this complaint.

17. Plaintiff filed a discrimination charge against Defendant with the Equal Employment Opportunity Commission (EEOC) in October of 2017. That charge was timely filed, under the ACT. (See Exhibit "A")

18. On April 30, 2018, Plaintiff was sent a notice from the EEOC of his right to bring this action (See Exhibit "B"), and Plaintiff timely filed this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. Reinstatement and declare the conduct engaged in by Defendant to be in violation of Plaintiff's rights;
2. For compensatory damages of \$300,000.00 for each count set forth above;
3. For costs of suit, including reasonable attorney's fees and expert fees, pursuant to 42 U.S.C.A. § 12117(a), which incorporates the remedies set forth in Title VII of the Civil Rights Act of 1964, Title 42 U.S.C.A. § 2000e-5(k); and
4. For such other and further relief as the court deems proper.

JOHN A. CONTRERAS

BY: /S/ Michael T. Smith

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